



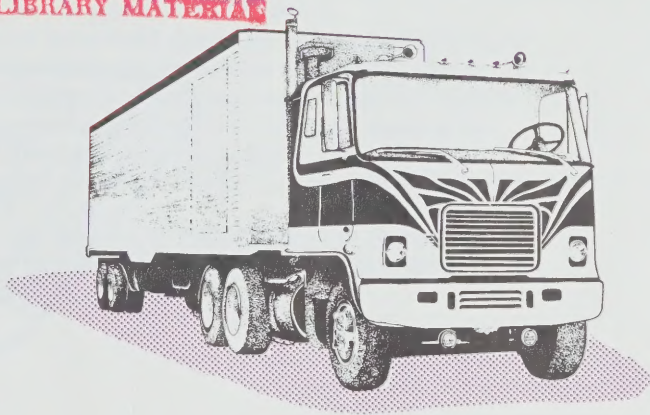
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# A GUIDE

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## How to apply for a Class "H" P.C.V. Licence




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Ontario  
Highway  
Transport Board

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# Introduction

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The household goods segment of Ontario's trucking industry is subject to the same regulation and law respecting entry as are general freight carriers.

Where a person wishes to transport household goods for compensation beyond an urban zone, he must have a Public Commercial Vehicle Operating Licence. To obtain a licence, he must apply to the Ontario Highway Transport Board and the Board must decide whether to approve the granting of a licence. It does so by determining whether or not "public necessity and convenience warrants the issuance of a licence and will be served thereby." (Public Commercial Vehicles Act, Ontario).

THIS BOOKLET IS DESIGNED TO SET OUT THE TYPES OF EVIDENCE THE BOARD WILL LOOK FOR IN DETERMINING PUBLIC NECESSITY AND CONVENIENCE IN CLASS "H" APPLICATIONS.

# What is a Class

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**Regulation 700 under The Public Commercial Vehicles Act, Ontario sets out a “Class “H” public commercial vehicle operating licence as follows:**

**7. Class H - for the carriage of,**

- (i) uncrated new and used household furniture, appliances and personal effects of a householder that are part of the contents of the dwelling in which they are to be used, and used vehicles, including used motorized snow vehicles, owned by the householder and being moved as part of and in conjunction with the movement of the said householder's goods;
- (ii) uncrated used office, store and commercial establishment furniture, equipment, and crated or uncrated stock in trade of the office, store and commercial establishment in which such furniture, equipment and stock in trade are to be used;
- (iii) uncrated new furniture and equipment that are to be part of the furnishings of offices, museums, hospitals, factories and public institutions in which they are to be used; and
- (iv) objects of art, displays, exhibits and computers and similar electronic devices that because of their fragile or unusual nature or value require specialized handling,

# **“H” Licence**

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that can be carried on a standard truck, trailer or semi-trailer equipped with pads, belts, hooks, wardrobes and special packing containers and which do not require special loading devices other than powered tail-gates.”

A person wanting to transport these commodities by highway beyond the limits of an urban municipality for compensation must apply for all those included in the above description. If only one commodity or one group thereof is required, application should be made for a Class “D” public commercial vehicle operating licence. Applicants for extra-provincial operating authority may base their applications on the total commodity description outlined for Class “H” intraprovincial licences or one or more commodity groups.

## **Examples:**

### **Applicant wishes**

1. a Class “H” PCV licence
2. computers only

### **Wording of Application**

applies for a Class “H” public commercial vehicle operating licence. O. Reg. 700.

applies for a Class “D” public commercial vehicle operating licence, for the carriage of computers and similar electronic devices that because of their fragile or unusual nature or value require specialized handling.



# The Hearing Process

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The Board is required to give public notice of the application in the Ontario Gazette. Subsequent to such notice, it will schedule and hold a full public hearing where the application is opposed.

If the application is unopposed the Board may proceed without a public hearing if evidence of public necessity and convenience can be provided by way of affidavit and the Board is otherwise satisfied that it is in the public interest.

Some of the questions which should be addressed by the applicant in attempting to prove his case are outlined in the following pages.

## ***Evidence in Class “H” Applications:***

### **A) On the Level of Demand**

- (i) **Shipper witnesses and those with a direct involvement in household moves**

In other classes of application the Board requires the applicant to prove demand for his services through shipper witnesses.

Shipper witnesses can give evidence of an ongoing need to move their goods.

The situation is different with household goods applications. The applicant would face a major problem if he was required to produce witnesses with an immediate need for his service.

The applicant cannot always bring individuals who have used his services regularly or who have a future, repetitive need for moving services.

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Consequently, some witnesses are often able to give direct evidence only on the character of the applicant.

However, it is possible to obtain evidence of need from witnesses, who have a direct knowledge of specific household moves because of their profession.

Persons with direct involvement in planning and supervising corporate moves can be a worthwhile source of such evidence. They will be familiar with the immediate future demand for moving services in their corporation, based on corporate policies on relocation and head office/regional office organizational responsibilities. Prospective applicants should consider bringing such witnesses to support their case, in addition to private householders.

As specific examples, traffic and personnel managers may supervise household moves of corporate employees, particularly in large companies or public sector organizations and thereby be in a position to support the application.

**(ii) Those with an indirect knowledge of householder and corporate movements:**

Representatives of financial institutions may have facts relevant to householder moves and employee transfers based on their own broad personal experience. Their knowledge of new and closed accounts, loans to cover the costs of moves and the existing trends in mortgage lending could also be relevant in describing the recent need for movers in general.

**continued on page 6**

**(iii) Experts with statistical, economic and demographic evidence:**

People in other professions may also have a personal knowledge of specific needs. In addition, they may be in a position to bring statistical, economic and demographic evidence to illustrate to the Board the level of demand for household mover services, now, and in the near future.

**Population trends and forecasts in the areas applied for -**

To augment or focus the best direct shipper evidence available you should consider bringing evidence with respect to such matters as:

Is the population increasing? Are people moving to or from the area? At what rate? Why is the population changing? Do new employment opportunities exist? Are they long or short term?

**Trends in housing and apartment construction.**

Are there major new developments planned or underway? What type of

housing? What income group and employment type are they designed for? Are they rental or purchase units? Is development confined to one part of the area applied for, or generally widespread? What is the occupancy rate for rental accommodation in the area?

**Trends in household formation and population mobility, both of which may be influenced by the composition of the existing population (age, income, ethnic orientation, etc.)**

What is the composition of the population? What proportion is likely to move? Are young families purchasing homes at an accelerated rate? What is the existing income level?

**Facts on industrial development in the area.**

What kind of industry is locating in the area? Is industry labour intensive? Will development create need for increase in labour force? What are existing levels of



unemployment? Is the industry one which normally experiences high labour turnover? Is the area a dormitory community?

The following types of people may be able to describe the existing state of the area's economy and the characteristics of the present population:

- provincial or municipal officials,
- local (housing) contractors,
- real estate board or company representatives,
- apartment building owners, managers, superintendents,
- office building owners, managers, superintendents.

Evidence on these points from such sources may help the Board appreciate the level of demand for new services which is fundamental to the ultimate decision of the Board.

## **B) Evidence on Supply**

On the question of existing supply of services in the area, it would be of significant interest to the Board to hear evidence with respect to such matters as:

- the number of existing Class "H" carriers serving the area,
- the length of time since the last Class "H" licence was granted for the area,
- the trend in the number of licencees
  - has the number been increasing, decreasing or is it stable?
- the number of carriers actually serving the area,
- the trend in Class "H" rates in the area over the recent past.

## **C) Fitness and Competence of the Applicant**

An important element of “public necessity and convenience” is the Board’s opinion as to the fitness and competence of the applicant.

Applicants must bring forward evidence on these matters if they wish to present a full case in support of their application.

Fitness and competence relate to the person’s financial situation and their ability to manage a business. These are relatively straight forward matters supported by documentary evidence. Evidence with respect to the rates to be charged can also be an important consideration, not only as it may reflect on supply and demand conditions, but as it relates to the person’s ability to provide an appropriate cash flow to the business.

Fitness and competence also relate to the person’s character, his sense of obligation to the public, his concern for highway safety and acceptance of the principles of the

regulatory system. A person’s past operating record and criminal record, if any, may help to evidence these matters.

It is important that the Board be made aware of the person’s commitment to safety. Evidence with respect to the way in which vehicles are (to be) maintained and drivers are (to be) trained is most useful.

## **D) Ability and Willingness of Existing Carriers to Perform the Service**

Evidence that existing carriers have actively sought new business, maintained vehicle and other service requirements in their area commensurate with any increased area demand, may be important factors in the Board’s decision.

The effect of a new licensee on existing services, where they are proven to be reliable, efficient, competitive and sufficiently flexible to meet new needs may be a matter of concern to the Board.

## E) Order-In-Council Policy Statements

The Lieutenant Governor in Council may set out from time to time policy statements which the Board is bound to consider in determining questions of public necessity and convenience. At the present time, there is no such direction with specific reference to Class “H” applications. There is however a policy which is generally applicable to applications under the Public Commercial Vehicles Act. The relevant Order-in-Council deals with such matters as:

- an efficient and viable transportation industry
- Ontario’s economic productivity,
- capital, equipment and manpower resources,
- energy and empty movements
- level and type of service
- cost
- competition

- equipment, design and utilization, innovation in service levels, administration and freight handling procedures,
- intra-modal and inter-modal co-ordination;
- size of operators.

You should be familiar with the details of these and other policy statements which may be issued from time to time. Copies are available on request from the Ontario Highway Transport Board.

### ***Please Note***

The Board is not limited by either Order in Council policy statements or the types of evidence outlined above. All matters, relevant to each particular application are given the fullest consideration by the Board.

Neither applicants nor respondents in Class “H” applications are limited by the information presented in this publication.

# Notes

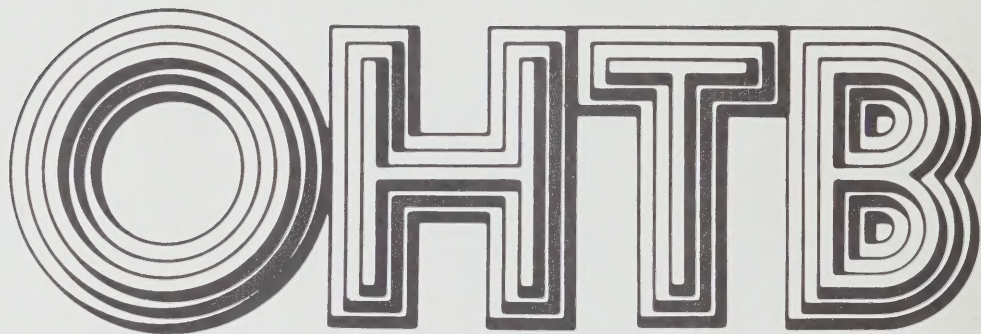
# Notes



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